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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ROBIN D. WILSON, DENNIS C. HEIDEMAN,  
DANIEL YEE, and ROBERT SCOTT DICKERSON

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Appeal 2008-4275  
Application 09/989,814  
Technology Center 2100

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Decided:<sup>1</sup> January 30, 2009

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Before SCOTT R. BOALICK, JOHN A. JEFFERY,  
and KEVIN F. TURNER, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

## DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 1-8, 17-19 and 21-30. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

## STATEMENT OF THE CASE

Appellants invented a web site system and method for enabling a parent web site, in a hierarchical relationship with a child web site, to share access to selected assets belonging to the parent.<sup>2</sup> Specifically, the system includes two or more web sites operating on a server, and where one of the web sites can be a parent and the other can be a child.<sup>3</sup> The web site system is capable of operating in three different modes.<sup>4</sup> In one mode, both the parent and child can utilize the asset, but only the parent can modify the asset.<sup>5</sup> In a second mode, both the parent and child can utilize the asset, and both the parent and child can modify the asset. In a third mode, the parent can utilize and modify the asset, but when the child attempts to modify the asset, a copy is generated and the child can utilize and modify the copy of the asset.<sup>6</sup>

Claims 1 and 21 are illustrative:

1. A web site system comprising:  
a server; and

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<sup>2</sup> See Spec., ¶ 7.

<sup>3</sup> *Id.* at ¶ 8.

<sup>4</sup> *Id.* at ¶ 7.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

two or more web sites operating on the server;

wherein one of the web sites is a parent and one of the web sites is a child of the parent; and

wherein the parent has one or more assets used in the presentation of the web site and

wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of

a first mode in which both the parent and child can utilize the asset, but only the parent can modify the asset,

a second mode in which both the parent and child can utilize the asset, and both the parent and child can modify the asset, and

a third mode in which the parent can utilize and modify the asset, but wherein the child can utilize the asset until the child attempts to modify the asset, at which time a copy of the asset is generated and the child can utilize and modify the copy of the asset.

21. A computer readable medium containing instructions configured to cause a computer to perform the method comprising:

selecting two objects which have a hierarchical relationship wherein a first one of the objects is a parent of a second one of the objects;

selecting one or more assets used in the presentation of the web site of the first object; and

sharing the selected assets of the first object with the second object, wherein each of the selected assets is shared using a mode chosen from a group consisting of

a first mode in which both the first and second objects can utilize the asset, but only the first object can modify the asset,

a second mode in which both the first and second objects can utilize the asset, and both the first and second objects can modify the asset, and

a third mode in which the first object can utilize and modify the asset, but wherein the second object can utilize the asset until the second object attempts to modify the asset, at which time a copy of the asset is generated and the second object can utilize and modify the copy of the asset; and

wherein the second object shares one or more selected assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes.

The Examiner relies on the following prior art references to show unpatentability:

Nazem	US 5,983,227	Nov. 9, 1999
Kelly	US 2002/00781040 A1	Jun. 20, 2002 (filed Dec. 19, 2000)

MyYahoo.com Help pages, *available at* <http://web.archive.org>, 1999 ("Yahoo").

1. The Examiner rejected claims 1-8 under 35 U.S.C. § 103 as unpatentable over Yahoo and Nazem.
2. The Examiner rejected claims 17-19 and 21-30<sup>7</sup> under 35 U.S.C. § 103 as unpatentable over Yahoo and Kelly.

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<sup>7</sup> Although the Examiner omits claim 30 in the statement of the rejection (Ans. 6), the Examiner nevertheless includes claim 30 in the body of the rejection (Ans. 11-12). Accordingly, we presume that the Examiner intended to include claim 30 in this rejection.

Rather than repeat the arguments of Appellants or the Examiner, we refer to the Briefs<sup>8</sup> and the Answer<sup>9</sup> for their respective details. In this decision, we have considered only those arguments actually made by Appellants. Arguments which Appellants could have made but did not make in the Briefs have not been considered and are deemed to be waived. See 37 C.F.R. § 41.37(c)(1)(vii).

## THE REJECTION OVER YAHOO AND NAZEM

### *Claims 1-8*

We first consider the Examiner's obviousness rejection of claims 1-8 over Yahoo and Nazem (Ans. 3-6). Regarding representative claim 1,<sup>10</sup> Appellants first argue that Yahoo does not disclose a Yahoo page and a "My Yahoo" page that are in a hierarchical relationship with one another (App. Br. 13-14). Secondly, while Appellants concede that the Yahoo reference discloses similar content that may be reached through a Yahoo page may also be displayed on a "My Yahoo" page, Appellants argue that the Yahoo reference does not disclose that the content is "shared", *i.e.*, derived from or comprises assets between a Yahoo page and a "My Yahoo" page (App. Br.

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<sup>8</sup> We refer to (1) the Appeal Brief filed May 9, 2007, and (2) the Reply Brief filed October 24, 2007, throughout this opinion.

<sup>9</sup> We refer to the Answer mailed August 24, 2007 throughout this opinion.

<sup>10</sup> Although Appellants indicate that claims 1-8 and 21-30 stand or fall together (App. Br. 8), we nevertheless select claim 1 as representative of claims 1-8 and claim 21 as representative of claims 21-29. Claim 21 is commensurate in scope with claim 1, except that it adds an additional limitation where a second object shares one or more selected assets with a third object (App. Br. 30). Claim 30 is commensurate in scope with claim 1, but unlike claim 1, which recites "using one of a set of modes," claim 30 recites "using a set of modes" (App. Br. 32). Accordingly, we treat claim 30 separately. See 37 C.F.R. § 41.37(c)(1)(vii).

14-15). Appellants also argue that in light of the Specification, claim 1 requires that both the parent and child be operable to share each of the assets according to any one of the three modes (Reply Br. 5).

Further, Appellants argue that the Yahoo reference does not disclose a first mode where both the parent and child can utilize the asset, but only the parent can modify the asset (App. Br. 15). Appellants contend that while the content of the "My Yahoo" page may be changed, there is no disclosure in the Yahoo reference that the content has been modified by the Yahoo page, and the content of the "My Yahoo" page may be changed independently from any content on the Yahoo page (App. Br. 15).

Appellants also argue that the Yahoo reference does not disclose a second mode where both the parent and child can utilize and modify the asset (App. Br. 15). Appellants contend that while the content of a "My Yahoo" page may change, there is no disclosure that this content has been modified in the Yahoo page (App. Br. 15). Further, Appellants contend that if Yahoo were to operate in this mode, the changes in a "My Yahoo" page would also be reflected on the Yahoo page itself (App. Br. 15). In addition, Appellants assert that the Examiner has not indicated that the Yahoo reference or Nazem teach a third mode where only the parent can utilize and modify the asset, and where the child can modify a copy of the asset (App. Br. 16).

The Examiner agrees with Appellants that neither the Yahoo reference nor Nazem teaches a third mode where only the parent can utilize and modify the asset, and where the child can modify a copy of the asset (Ans. 13). However, the Examiner found that the language of claim 1 merely

requires that only one of the three modes has to be performed—not all of them (Ans. 13).

Further, the Examiner found that the "My Yahoo" page is a child of the Yahoo page because (1) it is hierarchically dependent or under the main Yahoo website, and (2) the Yahoo website "fathers" the personalized website by providing the content to be presented to a user on the "My Yahoo" website (Ans. 13). The Examiner also concluded that the Yahoo reference teaches a first mode where both the parent and child can use the asset, but only the parent can modify the asset (Ans. 14). The Examiner found that (1) Yahoo teaches that the main website contains assets, such as news, weather, stock prices, sports scores, etc., that are shared with the personalized websites; (2) a user is allowed to configure a version of the content provided in the Yahoo website; and (3) there are certain assets, such as the "My Yahoo" logo, and the ads posted by the main Yahoo site, that cannot be modified by the user personalizing the websites (Ans. 14).

The Examiner also found that Yahoo teaches a second mode where both the parent and child website can utilize and modify the asset (Ans. 14). The Examiner stated that Yahoo teaches (1) that the main website contains assets, such as news, weather, stock prices, sports scores, etc. that are shared with the personalized websites; (2) the users have the ability to configure the Yahoo website by, for example, deleting and relocating the assets; and (3) the personalized website incorporates much of the same content found in the main website (Ans. 14-15).

The Examiner admits that Yahoo fails to explicitly disclose two or more websites operating on the same server, but notes that Nazem teaches the storage of live data, and a customized web page for storing the live data



on a server's shared memory. As such, the Examiner contends that it would have been obvious to a person of ordinary skill in the art at the time of the invention to store both main and custom websites on the same server to avoid delay caused by the separation of the two websites at two different locations (Ans. 13-14).

### ISSUE

The issue before us, then, is (1) whether Appellants have shown that the Examiner erred in interpreting independent claim 1 as requiring only one of the three recited modes, and (2) whether the prior art teaches or suggests websites with the recited parent-child relationship that share assets as claimed.

### FINDINGS OF FACT

1. The term "hierarchical" is defined as "classified according to various criteria into successive levels or layers." WordNet 3.0 (Princeton Univ., 2006), *available at* <http://dictionary.reference.com>. Claim 1 recites a parent web site and a child web site (App. Br. 27). Independent claims 17 and 21 require a hierarchical structure between a first object and a second object that is a child of the first object (App. Br. 29-30). The second object of claim 17 attempts to modify the selected asset (App. Br. 29). Claim 30 requires a parent web site and a child web site (App. Br. 32).
2. The Specification notes that "copying the assets" does not really achieve "sharing of the assets" (Spec., ¶ [0005]). The Specification further notes that "it is not easy to share assets using conventional means (*e.g.*, by making copies of the assets or by modifying the code of the web site)"

(Spec., ¶ [0041]). The Specification also states that "[c]opying does not result in a common set of assets which is accessible by both web sites" (Spec., ¶ [0005]).

3. According to the Specification, "[a]ssets' may include many different features of the web sites, such as images, documents, and other page layout components, as well as architectural assets such as channels and views" (Spec., ¶ [0004]).

4. The term "share" is defined as (1) have in common; (2) use jointly or in common; (3) have, give, or receive a share of; (4) give out as one's portion or share; and (5) communicate. WordNet 3.0 (Princeton Univ., 2006), *available at* <http://dictionary.reference.com>.

5. The Yahoo reference teaches the existence of Yahoo.com. (*See generally* Yahoo; *see also* footer of Yahoo).

6. Figures 5A and 5B of Nazem illustrate of a user front page 218. Each of the modules 504 can be customized by a user and moved about the front page 218. For example, the user template can specify which quotes are shown in the portfolio module, and which cities are displayed in the weather module. Other custom pages for the user can be viewed by selecting one of the page buttons 502 appearing below the header. Figure 5A of Nazem depicts references to "My Yahoo" and "MY NEWS," "MY WEB," and "MY CONTACTS." Figure 5A also depicts an edit preferences button 508. (*See* Nazem, Figs. 5A, 5B; col. 5, ll. 50-65).

7. The Yahoo reference discloses that email headers are used to deliver a message over the Internet and contain a record of where the message has been. A full email header is included in every message that is received.

Yahoo also discloses that a user is allowed to choose between viewing the full header with each message or only a brief header (Yahoo 2).<sup>11</sup>

8. The Yahoo reference discloses features that can be personally configured, such as addresses, mail preferences, signature, and the ability to check other (Pop) mail (Yahoo 12-13).

9. The Yahoo reference discloses that the user can update information that was initially provided when an individual registered (Yahoo 15). The Yahoo reference instructs that to edit any of the information, the "Edit" button is clicked in the desired section for editing. After updating the information, the user then clicks the "Finished" button and the changes are put into effect (*Id.*).

#### PRINCIPLES OF LAW

During patent examination, claims are given their broadest reasonable interpretation in light of the specification as it would be interpreted by skilled artisans. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc) (citations omitted). Also, "although the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments...[C]laims may embrace different subject matter than is illustrated in the specific embodiments in the specification." *Id.* at 1323 (citations and internal quotation marks omitted).

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<sup>11</sup> The respective web site printouts comprising the Yahoo reference are not individually paginated. Nevertheless, we refer to particular pages of this reference in the order in which they appear in the record.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). Discussing the question of obviousness of claimed subject matter involving a combination of known elements, *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), explains:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Sakraidia [v. AG Pro, Inc.]*, 425 U.S. 273 (1976)] and *Anderson's-Black Rock[, Inc. v. Pavement Salvage Co.]*, 396 U.S. 57 (1969)] are illustrative—a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions.

*Id.* at 1740. If the claimed subject matter cannot be fairly characterized as involving the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement, a holding of obviousness can be based on a showing that “there was an apparent reason to combine the known elements in the fashion claimed.” *Id.* at 1740-41. Such a showing requires:

“some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” . . . [H]owever, the analysis need not

seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.”

*Id.* at 1741 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

If the Examiner’s burden is met, the burden then shifts to the Appellants to overcome the *prima facie* case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. *See In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

## ANALYSIS

### THE REJECTION OVER YAHOO AND NAZEM

#### *Claim Construction - One or Three Modes*

At the outset, we first construe the limitation of claim 1 that recites, in pertinent part, "wherein the parent and child are configured to share each of the assets using one of a set of modes consisting of a first mode... a second mode... and a third mode" (App. Br. 27). Appellants argue that in light of the specification, claim 1 requires that the parent and child are operable to share each of the assets according to all three modes (Reply Br. 5-6). We disagree.

Claim 1 explicitly recites that the parent and child are configured to share each of the assets using "*one* of a set of modes" (emphasis added). Accordingly, we agree with the Examiner that the language of claim 1 requires that only one of the three modes has to be utilized, and not all of them.

*Hierarchical Relationship*

We now determine whether the prior art teaches or suggests a hierarchical relationship between a parent and child. The term “hierarchical” does not appear in claim 1, but does appear in the remaining independent claims 17 and 21 (FF 1). Although claim 1 recites a parent web site and a child web site (*id.*), we nevertheless find, for the reasons set forth below, that a relationship between a parent web site and a child web site is a hierarchical relationship.

The term “hierarchical” is defined as “classified according to various criteria into successive levels or layers” (FF 1). In accordance with the definition, we find that a parent and child relationship is equivalent to a hierarchical relationship. The Yahoo reference teaches the existence of Yahoo.com (FF 5), and Nazem teaches “My Yahoo” (FF 6). It would have been obvious to one of ordinary skill in the art that Yahoo.com represents the Yahoo web site, and “My Yahoo” represents a personal website that is a derivation of the Yahoo web site. Since Nazem teaches that users can customize a web site by selecting resources and content from a source of available resources and content (FF 6), it would have also been obvious to ordinarily skilled artisans that the “My Yahoo” web site is, at least in part, derived from the Yahoo web site.

Accordingly, the collective teachings of Yahoo and Nazem teach or suggest a relationship between a parent web site (*i.e.*, Yahoo.com)\_and a child web site (*i.e.*, My Yahoo), *i.e.*, a hierarchical relationship between a parent web site and a child web site.

*Sharing of Assets*

We now turn to Appellants' argument that the Yahoo reference does not teach the "sharing of assets" between a parent and a child (App. Br. 15). At the outset, we note that independent claim 1 requires a parent web site and a child *web site*, but Appellants also refer to a "Yahoo" *page* and a "My Yahoo" *page* (App. Br. 13-15; Reply Br. 6-7). We find that it would have been obvious to one of ordinary skill in the art that the "Yahoo" page is representative of the "Yahoo" web site, and the "My Yahoo" page is representative of the "My Yahoo" web site, and that the terms web page and web site are often used interchangeably.

In construing the key limitations in dispute, we first turn to Appellants' Specification as it is the single best guide to the meaning of a disputed term. *See Phillips*, 415 F.3d at 1321 ("[T]he specification is the single best guide to the meaning of a disputed term, and...acts as a dictionary when it expressly defines terms in the claims or when it defines them by implication.") (internal quotation marks and citations omitted). Appellants admit that content that may be reached through a Yahoo page may also be displayed on a "My Yahoo" page (App. Br. 14; Reply Br. 8). However, Appellants propose that functionally the similar content on both the Yahoo page and "My Yahoo" page may be accomplished through the "copying of assets," and that sharing does not include the "copying of assets" (App. Br. 15).

The Specification characterizes "sharing" as something more than copying (FF 2). However, the Specification, nonetheless, indicates that copying is a conventional means of sharing (FF 2).

We acknowledge that we must give the term “sharing” its broadest reasonable interpretation in light of the Specification, and yet not unnecessarily import limitations from the Specification into the claims. “[T]he PTO gives claims their ‘broadest reasonable interpretation.’” *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (*quoting In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)).

“Sharing” is defined as (1) “having something in common,” and (2) “to have, give, or receive a share of” (FF 4). Since Nazem teaches that a user can customize modules of the “My Yahoo” web site, for example, displayed stock quotes and the weather for specified cities (FF 6), skilled artisans would recognize that this customization would be based, at least in part, on resources that it has in common with, or receives from, the main Yahoo web site (*e.g.*, stock quotes and weather forecasts).

Further, it would have been obvious to one of ordinary skill in the art that the selection and configuration of modules displayed on the “My Yahoo” web site would be derived from available Yahoo modules. Thus, it would have been obvious to one of ordinary skill in the art that Yahoo and “My Yahoo” share resources, *i.e.*, have assets in common, when the user of the “My Yahoo” web site is able to select from the resources and content available from the Yahoo web site. Accordingly, the collective teachings of Yahoo and Nazem teach or suggest sharing assets.

*First Mode - Both Parent and Child Can Utilize the Asset But Only the Parent Can Modify the Asset*

Since claim 1 requires that only one mode be disclosed by the prior art to meet the claim, we turn our attention to whether the prior art teaches or suggests a first mode where both the parent and child can utilize the asset,



but only the parent can modify the asset. It is clear from Nazem that a user is able to customize a "My Yahoo" web site (FF 6). However, it would have been obvious to one of ordinary skill in the art that the Yahoo web site provides the user with a "My Yahoo" web site, and that there are certain assets, such as the "My Yahoo" logo, which are provided by the Yahoo web site that cannot be modified by the user of the "My Yahoo" web site. Thus, it would have been obvious to one of ordinary skill in the art that there is an asset that only the parent can modify.

In addition, the Yahoo reference discloses the architecture of certain components of email accounts, for example, the header. The Yahoo reference discloses that email headers are used to deliver a message over the Internet, and a full email header is included in every message (FF 7). While the Yahoo reference teaches that the user can select between a full header and a brief header (FF 7), a header is nonetheless utilized, as it used to deliver the message.

It would have been obvious to one of ordinary skill in the art that the header is provided by the Yahoo web site and is part of the email that the child web site uses, but is not modified. Further, it would have been obvious to one of ordinary skill in the art that every time a header is generated for a particular user, it would have been modified by the parent web site to reflect the header type selection of the particular user. Accordingly, skilled artisans would recognize that a header by Yahoo is a design feature of Yahoo's email system that cannot be modified. Thus, the prior art discloses a first mode where both the parent and child can utilize the asset, but only the parent can modify the asset.

Therefore, for the foregoing reasons, Appellants have not persuaded us of error in the Examiner's rejection of independent claim 1. Therefore, we will sustain the Examiner's rejection of that claim, and claims 2-8 that fall with claim 1.

#### THE OBVIOUSNESS REJECTION OVER YAHOO AND KELLY

We now consider the Examiner's obviousness rejection of claims 17-19 and 21-30.

#### *Claims 17-19*

Claim 17<sup>12</sup> is commensurate in scope to the third mode described above in connection with claim 1, and both Appellants and the Examiner essentially repeat the same arguments made with respect to claim 1 (App. Br. 18; Ans. 15).

While it is not clear that Appellants dispute the Examiner's reliance on the Kelly reference with respect to claim 17 (App. Br. 16-18 and 21-22; Reply Br. 10-12), Appellants do argue in connection with claim 30 that the Kelly reference does not disclose the third mode where the parent can utilize and modify the asset and where the child can modify a copy of the asset (Reply Br. 11). Since claim 17 recites a limitation commensurate with the third mode noted above, we will consider Appellants' arguments with regard to Kelly to the extent that these arguments apply to claim 17.

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<sup>12</sup>Appellants indicate that claims 1-8 and 21-30 stand or fall together, and claims 17-19 stand or fall together (App. Br. 8). Claims 18 and 19 depend from claim 17 (App. Br. 29). Appellants do not separately argue claims 18 and 19, but instead refer to arguments made with respect to claims 1, 17, and 21 (App. Br. 23). Accordingly, we select claim 17 as representative of the group comprising claims 17-19.

Appellants argue: (1) that the Examiner erroneously compares a user's selection of an edit content link with a website's attempt to modify an asset, and (2) that the Examiner compares the original HTML file of Kelly, *i.e.*, the file that produces the web page, to the asset to be modified (Reply. Br. 11). The Examiner asserts that Kelly teaches: (1) allowing a user to view a web page until an edit content link is selected, and (2) a server then produces a copy of an editable version of the web page, thereby preventing the user from editing the original web page, and permitting the editing of the editable copy (Ans. 15).

#### ISSUE

The issue before us is whether the prior art teaches or suggests: (1) making a copy of the selected asset when the second object attempts to modify the selected asset; (2) thereafter disabling the second object's ability to utilize the selected asset; and (3) enabling the second object to modify and utilize the copy of the selected asset.

#### ADDITIONAL FINDINGS OF FACTS

10. Kelly discloses that a user accesses the web server by typing the Internet address of the web page in the normal way, causing the web server to retrieve the HTML file of the requested page and send this to the user using the HTTP protocol. The user's browser receives the HTML file and generates a web page (Kelly, ¶ [0067]).

11. Kelly discloses that when the editor begins, the server first saves a back-up copy of the page to be edited, to allow the site owner to later restore the original version of the page. The editor then locates all of the editable

fields in the HTML file of the page being edited, and generates a web page or an editable form. (Kelly, ¶ [0070]).

12. Kelly discloses that it can be seen that the page generated by the editor, which may be an editable form, has a similar appearance to the original page, but with a number of editable text boxes. Kelly also states that the generation of such a page is well known in the art of writing web pages, and is effected by substituting, for the original fields, text boxes that can be edited by the user. (Kelly, ¶ [0070]-[0071])

13. Kelly states that “[t]he user clicks the "Submit" button 80 when the changes have been made causing the user's browser to send the form back to the server with the new information, step 54. The editor extracts this information from the form and creates a new HTML file, step 56, which is saved in the database, overwriting the original source file, step 58 before the editor terminates, step 60” (Kelly ¶ [0074]; Fig. 4).

## ANALYSIS

Claim 17 requires that a second object's ability to utilize an asset is disabled when the second object attempts to modify an asset (App. Br. 29). However, according to claim 1, the second object is provided a copy of the asset that can be modified by the second object (App. Br. 29). Appellants argue that the Examiner erroneously compares the original HTML file of Kelly, *i.e.*, the file that produces the web page, to the asset to be modified (Reply. Br. 11).

Kelly discloses that when the editor begins, the server first saves a back-up copy of the page to be edited (FF 11). While the back-up copy is not the copy that the user edits, Kelly further describes that the editor then

generates a web page or an editable form that is similar in appearance to original page, but with original fields that are editable replaced by text boxes (FF 11-12).

Kelly does not disclose that the second object modifies the back-up copy. However, it would have been obvious to one of ordinary skill in the art that the original HTML file of Kelly, which maps to the selected asset of claim 17, is itself, a copy.

Kelly discloses that when a user requests a web page, an HTML file is sent to its browser and a web page is generated (FF 10). It would have been obvious to one of ordinary skill in the art that the web page that is sent to the browser is itself a copy, as the generated web page is a copy of a file that is stored at the location of the source. Further, it would have been obvious to one of ordinary skill in the art that the web page generated for the second object to modify, by the editor in Kelly, would have also been a copy, as it would have been a copy of a copy (*i.e.*, the copy or HTML file that was sent from the source to the browser).

Accordingly, one of ordinary skill in the art would have found that the second object modifies a copy of the selected asset. Thus, skilled artisans would have recognized that the assets of the second object (*e.g.*, stock quotes or weather forecasts) are copies from the first object (*e.g.*, the main Yahoo web page).

We find unavailing Appellants' argument that the Examiner erroneously compares a user's selection of an edit content link with a website's attempt to modify an asset. Claim 17 refers to a second object attempting to modify an asset (FF 1). It does not matter that someone has to perform or cause the modifications to the asset because it would have been

obvious to one of ordinary skill in the art that once the user selects the edit content link, the object (*i.e.*, software component) would execute the instruction and attempt to modify the asset.

Therefore, for the foregoing reasons, Appellants have not persuaded us of error in the Examiner's rejection of representative claim 17. Therefore, we will sustain the Examiner's rejection of that claim, and claims 18 and 19 that fall with claim 17.

#### *Claims 21-29*

Regarding representative claim 21, Appellants essentially reiterate their arguments with respect to claim 1 (App. Br. 20). In addition, Appellants also assert (1) that the Examiner has not identified where Yahoo discloses that the parent can utilize and modify an asset, and the child can modify a copy of the asset (App. Br. 20); and (2) that Yahoo does not disclose that the second object shares assets with a third object as claimed, since Yahoo does not disclose sharing assets (App. Br. 20-21). In response, the Examiner contends that it is not necessary to show where a third mode is disclosed, as only one mode is required to meet the claim language (Ans. 15).

#### ISSUE

The issue before us is whether the prior art teaches or suggests a second object that shares one or more assets with a third object which is a child of the second object, wherein the one or more selected assets are shared using one or more of the first, second and third modes.

#### ADDITIONAL FINDINGS OF FACT

14. The Yahoo reference includes a heading that states "[h]ow can I edit the 'From' field in my messages" and provides instructions about how to edit the "from" field in an individual's messages (*See* Yahoo 1). The Yahoo reference teaches that one can check other (POP)<sup>13</sup> mail, including (1) the status of mail left on an external mail POP3 server (saved or deleted), and (2) how much mail to retrieve (all or only new messages) (Yahoo 13).

#### ANALYSIS

Independent claim 21 is commensurate in scope to independent claim 1, except it adds an additional limitation that involves a third object that is a child of the second. We find that the prior art teaches this additional limitation. The Yahoo reference teaches that one can receive personal email through Yahoo (FF 1). Accordingly, nothing in the claim precludes the Yahoo web site from corresponding to the first object, i.e., parent, and an individual's Yahoo email account as the child of the first object. The Yahoo reference further teaches that one can establish a connection to external emails via an individual's Yahoo account (FF 14). Thus, it would have been obvious to one of ordinary skill in the art that one would have to click on a link to obtain the external email.

Nothing in the claim precludes external email as corresponding to a third object, which is a child object with respect to the Yahoo individual email account. As such, the second and third objects, in effect, share the assets associated with an individual's email account, as the external email is

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<sup>13</sup> POP is an abbreviation for "post office protocol," a protocol used to retrieve e-mail from a mail server. *Webopedia*, <http://www.webopedia.com/TERM/P/POP2.html> (Mar. 22, 2007).

accessible from the individual's Yahoo email account (FF 14). Therefore, for the foregoing reasons, Appellants have not persuaded us of error in the Examiner's rejection of representative claim 21. Therefore, we will sustain the Examiner's rejection of that claim, and claims 22-29 that fall with claim 21.

*Claim 30*

Regarding claim 30, Appellants essentially reiterate their arguments with respect to claim 1 (App. Br. 22). Appellants further argue that the Kelly reference does not disclose the third mode where the parent can utilize and modify the asset and where the child can modify a copy of the asset (Reply Br. 11). Appellants argue (1) that the Examiner erroneously compares a user's selection of an edit content link with a website's attempt to modify an asset, and (2) that the Examiner compares the original HTML file of Kelly, i.e., the file that produces the web page, to the asset to be modified (Reply. Br. 11).

Regarding claim 30, the Examiner essentially refers to arguments made with respect to claim 1, and relies on Kelly for teaching a third mode where the parent can utilize and modify an asset, but where a child modifies a copy of the asset if the child wants to modify the asset (Ans. 15). The Examiner finds that Kelly teaches (1) allowing a user to view a web page until an edit content link is selected, and (2) then producing a copy of an editable version of the web page, thereby preventing the user from editing the original web page (Ans. 15).

Further, the Examiner concludes that it would have been obvious to a person of ordinary skill in the art at the time of invention to combine the



Yahoo reference and Kelly, for all the reasons found in Kelly (Ans. 15-16). According to the Examiner, there would have been motivation to combine the references, as Kelly allows unskilled users to easily and optionally update web pages which would prevent conflicts arising from a user trying to access content that is being updated and uploaded to the main Yahoo page (Ans. 16).

### ISSUE

The issue before us, then, is whether independent claim 30 requires that all of the three modes are taught or suggested by the prior art, and if not, whether any of the three disclosed modes are taught by the prior art.

### ADDITIONAL FINDINGS OF FACT

15. Claim 30 recites "wherein the parent and child are configured to share each of the assets using a set of modes comprising: a first mode ..., a second mode..., and a third mode...." (App. Br. 32).

### ANALYSIS

Claim 30 is commensurate in scope with independent claim 1 and requires that a parent and child are configured to share each of the assets using a set of modes comprising a first mode, a second mode, and a third mode. Based on the scope and breadth of the claim language, it is not required that the prior art teach all three modes to meet the limitations of claim 30. The claim simply requires "using a set of modes" (FF 15). As discussed above with respect to independent claim 1, the prior art teaches a first mode, where both the parent and child can utilize the asset, but only the

parent can modify the asset. Accordingly, since the first mode is taught by the prior art, the set of modes would have been used by selecting the first mode.

Therefore, for the foregoing reasons, Appellants have not persuaded us of error in the Examiner's rejection of representative claim 30.

### DECISION

We have sustained the Examiner's rejections with respect to all claims on appeal. Therefore, the Examiner's decision rejecting claims 1-8, 17-19, and 21-30 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a) (1) (iv).

### AFFIRMED

KIS

SPRINKLE IP LAW GROUP  
1301 W. 25TH STREET  
SUITE 408  
AUSTIN, TX 78705